



**US Army Corps  
of Engineers®**

New York District  
26 Federal Plaza  
New York, N.Y. 10278  
ATTN: CENAN-OP-ST

# **Public Notice**

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In replying refer to:  
Public Notice No. Sandy Hook Channel 08  
Published: March 24, 2008  
Expires: April 23, 2008

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## **MAINTENANCE DREDGING OF SANDY HOOK CHANNEL, NEW YORK HARBOR, NEW YORK, FEDERAL NAVIGATION PROJECT**

### **TO WHOM IT MAY CONCERN:**

The New York District U.S. Army Corps of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899, Section 404 (33 U.S.C. 1344) of the Federal Water Pollution Control Act (amended in 1977 and commonly referred to as the Clean Water Act), proposes to perform maintenance dredging of portions of the Sandy Hook Channel in New York Harbor, New Jersey, federal navigation project (see Figure No. 1), with subsequent placement of the dredged material for environmental remediation purposes at the Historic Area Remediation Site (HARS, see Figure No. 2A and 2B).

**ACTIVITY:** Maintenance dredging of portions of the Sandy Hook Channel in New York Harbor, New York, Federal Navigation Project, with placement of up to 150,000 cubic yards of the dredged material at the HARS for the purpose of remediation.

**WATERWAY:** Sandy Hook Channel of New York Harbor, New Jersey, Federal Navigation Project.

**LOCATION:** Monmouth County, New Jersey

The Sandy Hook Channel in New York Harbor Federal Navigation Project was adopted in 1884, modified 1933, 1937, 1958, 1965, and 1982. The Sandy Hook Channel has an authorized depth of 35 feet and generally 800 feet wide, with widening at the junction with the Main Ship Channel, and at the bent between the East Section and the Bayside Section. The proposed activity is to dredge the critical shoal area located in the Bayside Section.

The New York Harbor Federal Navigation Project furthermore consists of the Ambrose Channel, Main Ship Channel and the Anchorage Channel, adopted in 1930 and modified in 1937, the removal of Craven Shoal to a depth of 30 feet, and a channel between Staten Island and Hoffman and Swinburne Islands to a depth of 16 feet. Anchorage Areas and Channel along New Jersey Pierhead Line adopted in 1935. Additionally, Anchorage Areas adopted in 1965 and modified in

1982 provides for: An anchorage area on Red Hook Flats to depths of 45, 40 and 35 ft and an anchorage area in Gravesend Bay to a depth of 47 ft.

A detailed description of the proposed activities is enclosed to assist in your review.

This activity is being evaluated to determine that the proposed dredging with the placement of dredged material at the HARS, will not unreasonably degrade or endanger human health, welfare or amenities, or the marine environment, ecological systems or economic potentialities. On September 26, 2000, the USEPA and Corps of Engineers signed a Memorandum of Agreement (MOA) outlining the steps to be taken to ensure that remediation of the HARS continues in a manner appropriately protective of human health and the aquatic environment. In making the determination, the criteria established by the Environmental Protection Agency (EPA) will be applied, including the interim change to one matrix value for PCB's as described in the MOA. In addition, based upon an evaluation of the potential effect which the failure to utilize this ocean site will have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, an independent determination will be made of the need to place the dredged material in ocean waters, other possible methods of disposal, and other appropriate locations.

The Corps of Engineers is soliciting comments from the public; federal, state and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments are used to assess impacts on navigation, water quality, endangered species, historic resources, wetlands, scenic and recreational values, and other public interest factors. Comments are used in the preparation of an Environmental Assessment (EA) pursuant to the National Environmental Policy Act and to determine the need for a public hearing.

ALL COMMENTS REGARDING THIS ACTIVITY MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE AT THE ADDRESS ON THE FRONT PAGE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person who has an interest which may be affected by the placement of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by the activity. It should be noted that information submitted by mail is considered just as carefully in the process and bears the same weight as that furnished at a public hearing

Pursuant to Section 307 of the Coastal Zone Management Act of 1972 as amended [16 USC 1456(c)], for activities conducted or supported by a federal agency in a state which has a federally approved Federal Consistency Determination (FCD) program, the Corps must submit a determination that the proposed project is consistent with the State FCD program to the maximum extent practicable. This activity is subject to review by the Department of State for its consistency with the enforceable policies of the New Jersey State Coastal Management Program. The U. S. Army Corps of Engineers New York District has determined that the proposed activities are consistent to the maximum extent practicable within the application policies of the New Jersey State

Coastal Management Program. A copy of this determination is being provided to the State of New Jersey Department of Environmental Protection. Additional information regarding the Corps of Engineers' consistency determination may be obtained by contacting the State of New Jersey Department of Environmental Protection, Bureau of Coastal Regulation, CN 401, 501 East State Street, Second Floor, Trenton, New Jersey 08625-0401, Attention: Consistency Review

The proposed project was reviewed based upon the "Biological Assessment for the Closure of the Mud Dump Site and Designation of the Historic Area Remediation Site (HARS) in the New York Bight and Apex", (USEPA, 1997). Based upon this review, and a review of the latest public listing or threatened and endangered species, it has been preliminarily determined that the proposed activity for which authorization is sought herein, is not likely to adversely affect any federally threatened or endangered species (humpback whales, finback whales, right whales, loggerhead turtles, leatherback turtles, green turtles, and Kemp's Ridley turtles) or their critical habitat pursuant to Section 7 of the Endangered Species Act (16 USC 1531).

Proposed HARS placements will not result in Remediation Material being placed within .27 nautical miles of any identified wrecks, as indicated in the National Register of Historic Places. Other than wrecks, there are no known sites eligible for, or included in, the Register within the project area. No known archaeological, scientific, prehistorical or historical data are expected to be lost by work accomplished under the required dredging.

Reviews of the activity pursuant to Section 404 of the Clean Water Act will include application of the guidelines announced by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. The Corps will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to commencement of any work.

In compliance with Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (1996 amendments), an Essential Fish Habitat Assessment will be prepared and submitted to the National Marine Fisheries Service for review and comment.

The proposed work is being coordinated with the following Federal, State and local agencies:

- U.S. Environmental Protection Agency
- U.S. Department of the Interior, Fish and Wildlife Service
- U.S. Department of Commerce, National Marine Fisheries Service
- U.S. Coast Guard, Third District
- New Jersey State Department of Environmental Protection

If you have any questions concerning this notice, you may contact this office at (917) 790-8527 and ask for Ms. Patricia Donohue. Comments or questions may be FAXED to (212) 264-4260 ATTN: Ms. Patricia Donohue. Questions about the HARS can be addressed to Mr. Douglas Pabst, Team Leader, Dredged Material Management Team, US Environmental Protection Agency, Region 2 at (212) 637-3797.

## **DESCRIPTION OF PLANNED ACTION:**

The U.S. Army Engineer District, New York proposes to perform maintenance dredging of the Sandy Hook Channel, New York Harbor. The channel was last dredged in 1997 with the removal of approximately 93,000 cubic yards (CY) of sediment. The dredged material was used as remediation material at the Historic Area Remediation Site. The proposed maintenance dredging would involve the removal of up to 150,000 cubic yards of material, based on a condition survey dated 20 September 2007, from critical shoals mainly at the tip of the Sandy Hook peninsula (Figure No. 1). Maintenance dredging of the channel is usually accomplished by clamshell dredge, hopper dredge or similar plant. The entire channel will generally not require maintenance dredging; only areas where shoaling has reduced the depth of the channel will require dredging.

The Sandy Hook Channel, consists of the East Section and the Bayside Section, which is 35 feet deep and generally 800 feet and has widenings at the junction with the Main Ship Channel and at the bend between the East and Bayside Sections. The critical shoal area is located in the Bayside Section and will be dredged to a project depth of 35 feet MLW plus 2 feet allowable overdepth.

The purpose of the proposed dredging is to remove the critical shoals, thereby assuring safe and economical use of the Sandy Hook Channel, by shipping interests. The material has been analyzed for grain size and meets the criteria for remediation material at the HARS as stated in 40 CFR Sections 227.13 (b)(1). The dredged material would be used for remediation material at the HARS by placing it over degraded sediments within the site. The proposed dredged material would be transported by bottom dumping vessels to the placement site.

This public notice serves to announce the government's intent and identifies the proposed location for placement of up to 150,000 cubic yards of material. The dredging and placement at the HARS for this project is planned to take place during the summer or autumn of 2008.

## **ENVIRONMENTAL IMPACT STATEMENT:**

The material to be placed at the HARS is dredged material that will be removed from the Sandy Hook Channel, New York Harbor, Federal Navigation Project. The material has been evaluated and found to meet the regulatory (exclusionary) criteria of 40 CFR Sections 227.13 (b)(1) and the requirements of the rule establishing the HARS in Section 228.15(d)(6). It has been determined that maintenance dredging of Sandy Hook Channel, with placement of the dredged material at the HARS would have no significant adverse environmental impact on water quality, marine resources, fish, wildlife, endangered species, recreation, aesthetics and flood protection of the area.

An update of the EA and a 404 (b) evaluation as required by the Clean Water Act 40 CFR 230 will be prepared prior to the implementation of the proposed work.

## **PLACEMENT SITE:**

The dredged material from this project is proposed to be placed at the HARS (see next section: Introduction to the HARS) using the bottom dumping process. Based upon review of the latest published version of the National Register of Historic Places, two wrecks, believed to be the

HLW Lew and the ORMOND, were found in Remediation Area Number 1. As noted in the designation of the HARS, Remediation Material would not be allowed to be placed within .27 nautical miles of the identified wrecks or other wrecks that might be found.

## **INTRODUCTION TO THE HARS:**

In 1972, the Congress of the United States enacted the Marine Protection Research and Sanctuaries Act (MPRSA) to address and control the dumping of materials into ocean waters. Title I of the Act authorized the US Environmental Protection Agency (USEPA) and the US Army Corps of Engineers (USACE) to regulate dumping in ocean waters. USEPA and USACE share responsibility for MPRSA permitting and ocean disposal site management. USEPA regulations implementing MPRSA can be found at 40 CFR Sections 220 through 229. With few exceptions, MPRSA prohibits the transportation of material from the United States for the purpose of ocean dumping except as may be authorized by a permit issued under the MPRSA. The MPRSA divides permitting responsibility between the USEPA and USACE. Under Section 102 of the MPRSA, USEPA has responsibility for issuing permits for all materials other than dredged material. Under Section 103 of MPRSA, the Secretary of the Army has the responsibility for issuing permits for dredged material. Determinations to issue MPRSA permits for dredged material are subject to USEPA concurrence.

In the fall of 1997, the USEPA de-designated and terminated the use of the New York Bight Dredged Material Disposal Site (commonly known as the Mud Dump Site or MDS). The MDS had been designated in 1984 for the disposal of up to 100 million cubic yards of dredged material from navigation channels and other port facilities within the Port of New York and New Jersey. Simultaneous with the closure of the MDS, the site and surrounding areas that had been used historically as disposal sites for dredged materials were redesigned as the HARS at 40 CFR Sections 228.15(d)(6) (See 62 Fed. Reg. 46142 (August 29, 1997); 62 Fed. Reg. 26267 (May 13, 1997)). The HARS will be managed to reduce impacts of historical disposal activities at the site to acceptable levels in accordance with 40 CFR Sections 228.11(c). The need to remediate the HARS is supported by the presence of toxic effects, dioxin bioaccumulation exceeding Category 1 levels (a definition of which appears in an evaluation memorandum reviewing the results of the testing) in worm tissue, as well as TCDD/PCB contamination in area lobster stocks. Individual elements of those data do not establish that sediments within the Study Area are imminent hazards to the New York Bight Apex ecosystem, living resources, or human health. However, the collective evidence presents cause for concern, and justifies the need for remediation. Further information on the condition in the Study Area and the surveys performed may be found in the Supplemental Environmental Impact Statement (USEPA, 1997).

The HARS designation identifies an area: (see Figure No. 2A and 2B) in and around the MDS which has exhibited the potential for adverse ecological impacts. The HARS will be remediated with dredged material that meets current Category 1 standards and will not cause significant undesirable effects including through bioaccumulation. This dredged material is referred to as "Material for Remediation" or "Remediation Material."

The HARS, which includes the 2.2 square nautical mile area of the MDS, is an approximately 15.7 square nautical mile area located approximately 3.5 nautical miles east of Highlands, New Jersey and 7.7 nautical miles south of Rockaway, New York. The MDS is located approximately 5.3 nautical miles east of Highlands, New Jersey and 9.6 nautical miles south of Rockaway, New York. When determined by bathymetry that capping is complete, the USEPA will take any necessary rulemaking to de-designate the HARS. The HARS includes the following three areas:

**Priority Remediation Area (PRA):** A 9.0 square nautical mile area to be remediated with at least 1 meter of Remediation Material. The PRA encompasses the area of degraded sediments as described in greater detail in the SEIS.

**Buffer Zone:** An approximately 5.7 square nautical mile area (0.27 nautical mile wide band around the PRA) in which no placement of the Material for Remediation will be allowed, but which may receive Material for Remediation that incidentally spreads out of the PRA.

**No Discharge Zone:** An approximately 1.0 square nautical mile area in which no placement or incidental spread of Material for Remediation is allowed.

To improve management and monitoring of placement activities at the HARS, electronic monitoring equipment will be on-board any barges carrying Remediation Material to the HARS. This equipment records vessel positions throughout the duration of each trip to the HARS and during remediation operations. To improve communication reliability between tugs and scows, a prescribed formal communication procedure has been put in place (copies of this procedure are available upon request).

Additional information concerning the HARS can be obtained from Mr. Douglas Pabst of the USEPA, Team Leader of the Dredged Material Management Team, at (212) 637-3797.

## **HARS SUITABILITY TESTING:**

It has been determined that this dredged material (Reaches B & C) is acceptable for placement at the HARS without further testing based on the exclusionary criteria in 40 CFR, Part 227.13(b)(1). This determination has been made based on the following: (a) This channel was recently sampled and analyzed for percent grain size in November 2007 and shown to be greater than 98.3% sand/gravel (Reaches B & C); (b) the Sandy Hook Channel is a high energy channel with a current of 1.6 to 1.9 at maximum flood and ebb, respectively and (c) the absence of fine grain sediments reflects the high current speed of the channel.

The proposed dredging area is depicted in Figure No. 1. The area has been characterized using nine (9) sediment samples. The samples were taken to a depth of 37 feet – project depth, plus two feet allowable overdepth. The nine samples were combined to yield Composite B and Composite C. Based upon an analysis of sediment samples from the reach, the grain size characteristics of the proposed dredged material are:

Composite B: 9.04% GRAVEL, 89.7% SAND, 0.18% SILT, 1.12% CLAY

Composite C: 16.4% GRAVEL, 82.3% SAND, 0.10% SILT, 1.12% CLAY

## **Conclusion**

Based upon the grain size results of the sediments proposed for dredging from Sandy Hook Channel, New York Harbor, the USACE and the USEPA have determined that the material meets the criteria for ocean placement as described in 40 CFR parts 227.13 (b)(1), and is acceptable for placement at the HARS.

Placement of this material at the HARS will serve to reduce impacts at the HARS to acceptable levels and improve benthic conditions. Sediments in the HARS have been found to be acutely toxic to sensitive benthic marine organisms in laboratory tests. Project dredged material was determined acceptable for placement at the HARS. Placement of project material over existing toxic sediments would serve to remediate those areas for toxicity.

## **ALTERNATIVES TO HARS PLACEMENT:**

As to ocean placement of dredged material, the Ocean Dumping Regulations [Title 40 CFR Sections 227.16(b)] state that "...alternative methods of disposal are practicable when they are available at reasonable incremental cost and energy expenditures which need not be competitive with the costs of ocean dumping, taking into account the environmental impacts associated with the use of alternatives to ocean dumping...." The U.S. Army Corps of Engineers, New York District has evaluated the regional practicability of potential disposal alternatives in the September 1999 Draft Implementation Report for the "Dredged Material Management Plan for the Port of New York and New Jersey". The Recommended Plan within the report addresses both the long and short term dredged material placement options in two specific timeframes, heretofore referred to as the 2010 Plan and the 2040 Plan respectively.


The 2010 Plan relies heavily on the creation, remediation, and restoration of a variety of existing degraded or impacted habitats in the region with material that would be considered unsuitable for HARS restoration. The remaining material is treated and stabilized, as needed, and then applied to remediate degraded and potentially polluting areas such as brownfields, landfills, and abandoned strip mines. Nearly all of the options considered in the 2010 Plan have a placement cost of \$43/cubic yard or higher.

Similar to the 2010 Plan, the 2040 Plan relies heavily upon the use of land remediation and decontamination methods for the management of HARS unsuitable material. As in the 2010 Plan, maximum use of all practicable alternatives to the HARS is envisioned.

Many of dredged material management options presented in the 2010 Plan however, are not presently permitted and/or are presently under construction at this time and therefore considered unavailable for the purposes of this project. Other options are not available at reasonable incremental costs, thus leaving HARS placement as the preferred alternative. For more

information on the New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice.



RANDALL G. HINTZ  
Chief, Operations Support Branch

Encls.

As stated

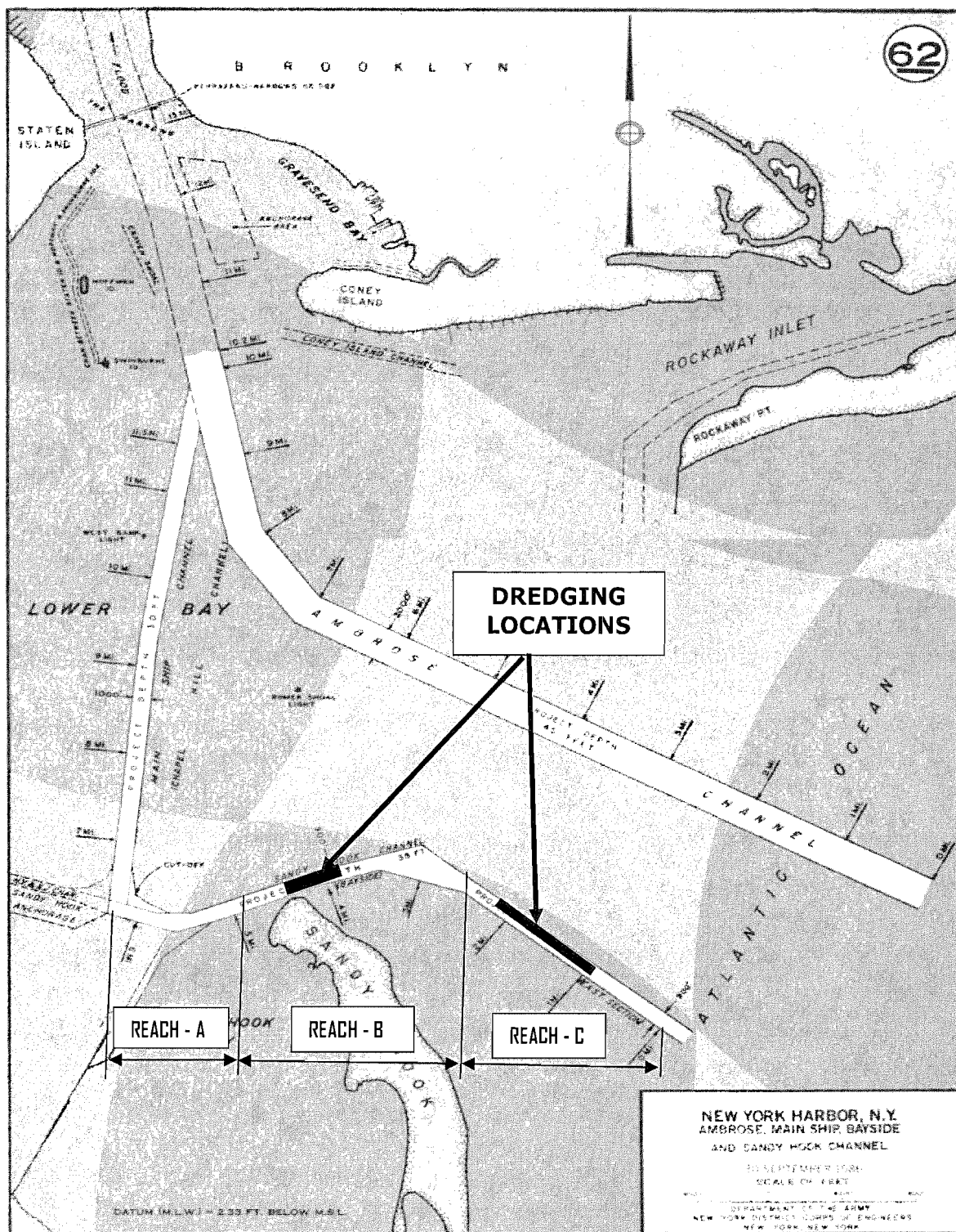
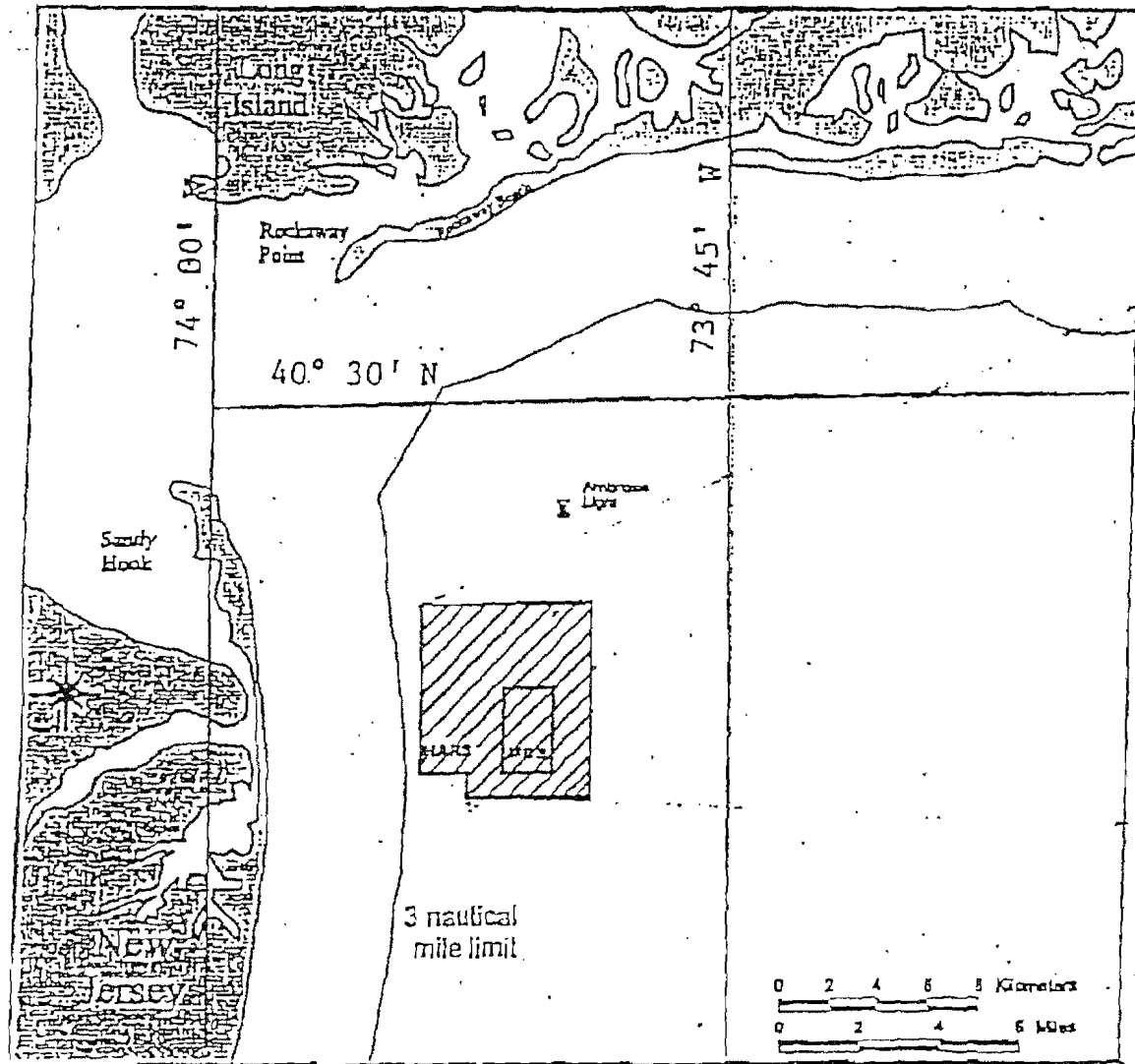


Figure No. 1



 HARS PLACEMENT SITE

FIGURE 2A

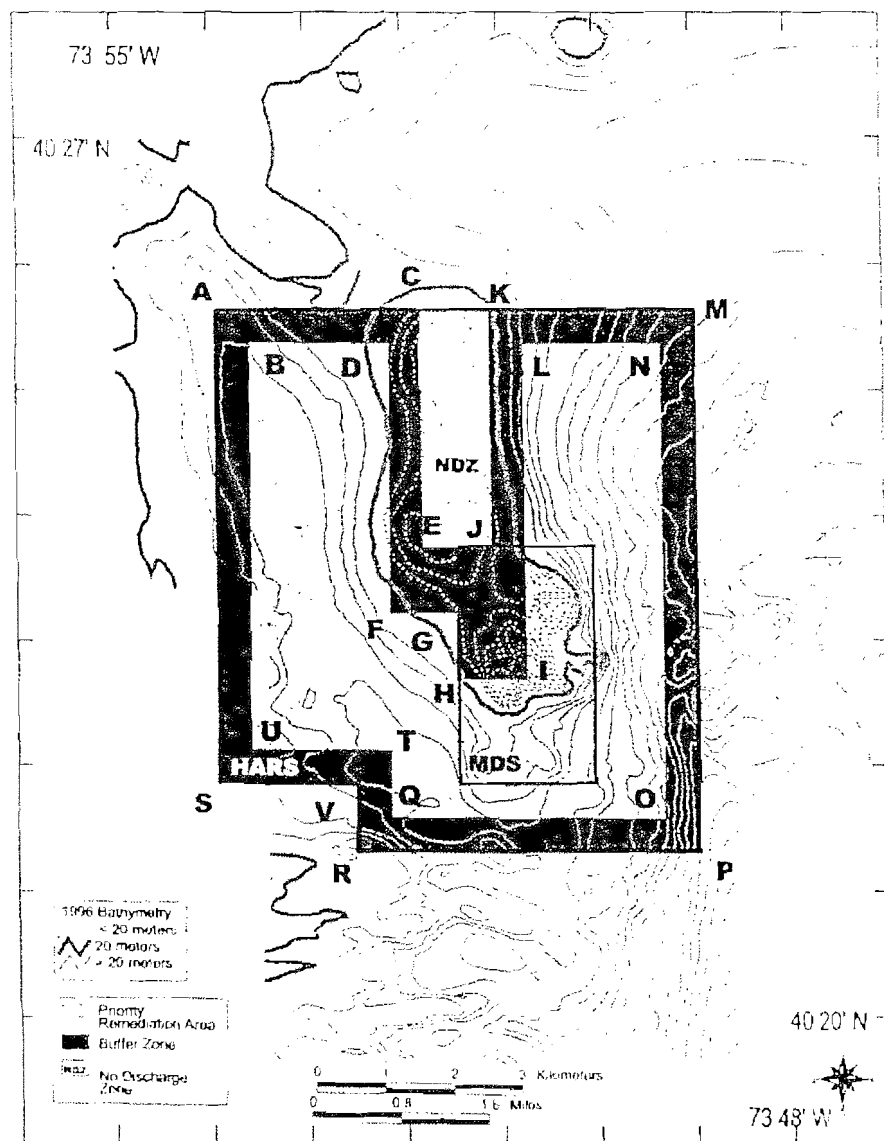


Figure 2B. The Historic Area Remediation Site (HARS). The New York Mud Dump Site (MDS) is indicated by box.

#### HARS Priority Remediation Area Coordinates

Point	Latitude DMS*	Longitude DMS*	Latitude DDM**	Longitude DDM**
B	40° 25' 23" N	73° 53' 34" W	40° 25.38' N	73° 53.57' W
D	40° 25' 22" N	73° 52' 08" W	40° 25.37' N	73° 52.13' W
F	40° 23' 13" N	73° 52' 09" W	40° 23.22' N	73° 52.15' W
G	40° 23' 13" N	73° 51' 28" W	40° 23.22' N	73° 51.47' W
H	40° 22' 41" N	73° 51' 28" W	40° 22.68' N	73° 51.47' W
I	40° 22' 41" N	73° 50' 43" W	40° 22.68' N	73° 50.72' W
L	40° 25' 22" N	73° 50' 44" W	40° 25.37' N	73° 50.73' W
N	40° 25' 22" N	73° 49' 19" W	40° 25.37' N	73° 49.32' W
O	40° 21' 35" N	73° 49' 19" W	40° 21.58' N	73° 49.32' W
Q	40° 21' 36" N	73° 52' 08" W	40° 21.60' N	73° 52.13' W
T	40° 22' 08" N	73° 52' 08" W	40° 22.13' N	73° 52.13' W
U	40° 22' 08" N	73° 53' 34" W	40° 22.13' N	73° 53.57' W

\* Degrees, Minutes, Seconds \*\* Degrees, Decimal Minutes